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14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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JEANNE E. CALDWELL,

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Plaintiff,

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20 v.

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ROY L. CALDWELL, PH.D., in his
22 official capacity as Director of the
University Of California Museum Of
23 Paleontology; DAVID LINDBERG, in
his official capacity as Chair of the
24 Integrative Biology Department of the
University of California-Berkeley; and
25 MICHAEL D. PIBURN, in his official
capacity as Program Director for the
26 National Science Foundation,

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Defendants.

CASE NO. C05-04166 PJH

STIPULATION AND PROPOSED ORDER
RE: CONTINUANCE OF HEARING ON
DEFENDANTS ROY L. CALDWELL,
PH.D., AND DAVID LINDBERG'S
MOTION TO STRIKE PORTIONS OF
COMPLAINT PURSUANT TO
F.R.C.P. 12(f)

STIP AND PROPOSED ORDER RE: MOTION TO STRIKE

STIPULATION

Defendants, Roy L. Caldwell, Ph.D., and David Lindberg have filed a Motion to Strike portions of plaintiff Jeanne E. Caldwell's Complaint in this action pursuant to Federal Rules of Civil Procedure 12(f), which is noticed for hearing on January 25, 2006. Under the Local Rules, Plaintiff's Opposition to the Motion to Strike would be due on or before January 4, 2006, and Defendants' Reply would be due on or before January 11, 2006.

8 Based upon the holiday season and pre-existing commitments in other lawsuits, plaintiffs'
9 counsel have requested a two-week continuance of the hearing on the Motion to Strike, which will
10 also result in a two-week continuance of the respective deadlines for plaintiff's Opposition and
11 defendants' Reply.

12 Subject to approval of the accompanying Order by the court, the parties hereby stipulate,
13 through their respective counsel of record, to a two-week continuance of the hearing date on
14 defendants' Motion to Strike and the respective deadlines for plaintiff's Opposition and
15 defendants' Reply in relation to the Motion to Strike, so that the following dates will apply:

16 New hearing date for
17 Defendants Caldwell and Lindberg's Motion to Strike: February 8, 2006.

20 New deadline for filing and service of
21 Defendants' Reply: January 25, 2006

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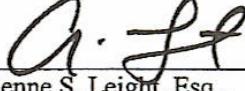
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STIP AND PROPOSED ORDER RE: MOTION TO STRIKE

1 It is so stipulated.

2 Morgenstein & Jubelirer LLP

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4 Dated: December 28, 2005 By: 

5 Adrienne S. Leight, Esq.,
6 Attorneys for defendants
7 Roy L. Caldwell, Ph.D., and
8 David Lindberg

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10 Pacific Justice Institute

11 Dated: Dec 28, '05 By: 

12 Kevin T. Snider, Esq.,
13 Attorneys for plaintiff Jeanne E. Caldwell

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STIP AND PROPOSED ORDER RE: MOTION TO STRIKE

ORDER

Good causing appearing, and based upon the stipulation of the parties, the requested continuance of the hearing date and respective dates for filing and service of plaintiff's Opposition and defendants' Reply for defendants Roy L. Caldwell, Ph.D., and David Lindberg's Motion to Strike, pursuant to F.R.C.P. 12(f) is granted, so that the following dates will apply:

New hearing date for
Defendants Caldwell and Lindberg's Motion to Strike: February 8, 2006.

New deadline for filing and service of Plaintiff's Opposition: January 18, 2006.

New deadline for filing and service of
Defendants' Reply: January 25, 2006.

It is so ordered.

P. J. M.

Dated: 1/5/06

Honorable Phyllis J. Hamilton,
United States District Judge

STIP AND PROPOSED ORDER RE: MOTION TO STRIKE